

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**BOND PHARMACY, INC., d/b/a AIS
HEALTHCARE,**

Plaintiff,

v.

**ANTHEM HEALTH PLANS OF
VIRGINIA, INC., d/b/a ANTHEM
BLUE CROSS AND BLUE SHIELD,**

Defendant.

Case No. 1:22-cv-01343-CMH-IDD

**MEMORANDUM IN SUPPORT OF JOINT MOTION
FOR EXTENSION OF DEADLINES**

Plaintiff Counter-Defendant Bond Pharmacy, Inc., d/b/a AIS Healthcare (“AIS”), and Defendant-Counterclaimant Anthem Health Plans of Virginia, Inc., d/b/a Anthem Blue Cross and Blue Shield (“Anthem,” collectively, the “Parties”), jointly request this Court to extend the deadlines in this litigation. In support of the motion, the Parties state as follows:

1. AIS filed a Complaint in this matter on November 23, 2023.
2. Anthem filed a Motion to Dismiss AIS’s Complaint on February 3, 2023.
3. This Court denied Anthem’s Motion on April 12, 2023.
4. Anthem answered AIS’s Complaint and asserted a Counterclaim against AIS on April 26, 2023.
5. AIS filed a Motion to Dismiss Anthem’s Counterclaim on May 31, 2023.
6. The Court will hear oral argument on AIS’s Motion on July 14, 2023.

7. On April 19, 2023, the Court amended the schedule in this litigation, setting the following deadlines:

- The close of discovery for September 12, 2023;
- The deadline for expert disclosures for the party with the burden of proof for July 11, 2023;
- The deadline for expert disclosures for responsive experts for July 25, 2023;
- The deadline for rebuttal expert disclosures for the party with the burden of proof for August 8, 2023.
- The deadline for deposition notices for July 18, 2023;
- The deadline for filing a list of witnesses to be called at trial, a written stipulation of uncontested facts, and copies of trial exhibits for September 18, 2023;
- The deadline to object to the opposing party's witness and exhibit lists for September 29, 2023; and
- The deadline to file a summary judgment motion for October 3, 2023.

8. The Court has not set a trial date in this matter.

9. The Parties have worked diligently to complete discovery in this case and litigate their claims.

10. To that end, the Parties have exchanged written discovery and responses and further produced substantial volumes of documents. AIS has produced over 13,600 documents, and Anthem has produced over 9,000 documents, which both sides are diligently reviewing.

11. The Parties are also working to develop a joint sampling approach to streamline discovery and trial in this and related matters regarding over 50,000 medical claims and over 1.3 million supporting documents at issue.

12. However, given the volume of documents, including anticipated additional document productions, and the need to finalize negotiations on a joint sampling approach, the Parties request additional time to complete discovery and pre-trial matters.

13. The Parties therefore request a brief extension of the remaining deadlines as follows:

- The close of fact discovery, scheduled for **September 12, 2023**, will not be extended.
- The deadline for expert disclosures for the party with the burden of proof, scheduled for July 11, 2023, would be extended to **September 22, 2023**.
- The deadline for expert disclosures for responsive experts, scheduled for July 25, 2023, would be extended to **October 6, 2023**.
- The deadline for rebuttal expert disclosures for the party with the burden of proof, scheduled for August 8, 2023, would be extended to **October 20, 2023**.
- The deadline for deposition notices, scheduled for July 18, 2023, would be extended to **September 1, 2023**.
- The deadline for the close of expert discovery would be **November 15, 2023**;

- The deadline for filing a list of witnesses to be called at trial, a written stipulation of uncontested facts, and copies of trial exhibits, scheduled for September 18, 2023, would be extended to **November 22, 2023**.
- The deadline to object to the opposing party's witness and exhibit lists, scheduled for September 29, 2023, would be extended to **November 29, 2023**.
- The deadline to file a summary judgment motion, scheduled for October 3, 2023, would be extended to **December 1, 2023**.

14. Good cause exists for granting the Parties' Motion. A brief extension will afford the Parties sufficient time to complete discovery and streamline the litigation by reducing the substantial volume of claims that will be litigated, thereby conserving the Court and the Parties' resources as well. *See* L. R. 16(B).

15. This Motion is also not made for the purpose of undue delay, and has been submitted well-before the expiration of the current deadlines.

16. Additionally, because no trial date has been set, the requested extension will not result in prejudice to any party or improperly delay the litigation.

17. The Parties are available to discuss this matter with the Court at its convenience.

WHEREFORE, for the foregoing reasons, the Parties request an extension of time to complete discovery up to and including the new deadlines proposed above.

Dated: June 28, 2023

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